

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

JEFFREY MILLER

Case Number: 16-416-SMY

(Clerk's Office will provide)

Plaintiff/Petitioner(s)

v.

JOHN R. BALDWIN - Dir. of ILDOC
S.A. Godinez - Former Dir. of ILDOC
DONALD Stalworthy - Former Dir. of ILDOC
ZACHARY Roekemant - WARDEN - Big Muddy J.C.
 Defendant/Respondent(s)

☒ CIVIL RIGHTS COMPLAINT

pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT

pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☐ CIVIL COMPLAINT

pursuant to the Federal Tort Claims Act,
 28 U.S.C. §§1346, 2671-2680, or other law

I. JURISDICTION

Plaintiff: JEFFREY MILLER

A. Plaintiff's mailing address, register number, and present place of confinement. Jeffrey MILLER - #N-90929

Big Muddy F.F.
251 N. ILLINOIS - Hwy 37
INA, ILLINOIS 62846

Defendant #1:

B. Defendant JOHN R. BALDWIN is employed as

(a) (Name of First Defendant)

DIRECTOR OF ILDOC

(b) (Position/Title)

with ILL, Dept of corrections - 1301 Concordia St.

(c) (Employer's Name and Address)

Springfield, Ill 62794.

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☐ Yes ☒ No

Named for procedural purposes just in case. However
 If your answer is YES, briefly explain: I am willing to strike if it pleases The Hon Court,

Defendant #2:

C. Defendant S.A. GODINEZ. is employed as

(Name of Second Defendant)

Former DIRECTOR OF ILL. DEPT OF CORRECTIONS.

(Position/Title)

with ILDOL- 1301 CONCORDIA COURT

(Employer's Name and Address)

SPRINGFIELD, ILL. 62794

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain: AT ALL TIMES S.A. GODINEZ IN his official Capacities AND IN The Performance of his Duties Acted with Reckless deliberate indifference. To My SERIOUS Need for Safety And Security By failure to ensure And Take corrective Measures To prevent Orange Crush TACT TEAMS from Doing Dehumanizing Acts Against me. His Failure To Act VIOLATED The Prison Rape Elimination Act.

Additional Defendant(s) (if any):

9. Using the outline set forth above, identify any additional Defendant(s).

D. Defendant #3

Defendant Donald Stolworthy is employed as
The acting director of ILLDOJ, with The Dept of
Corrections for Illinois at:
1301 Concordia Court
Springfield, Ill. 62794.

At The Time The Claim Alleged in This Complaint arose,
was Defendant #3 Employed by State government. NO!
He was The Acting Director! ~~NO~~ ~~NO~~!

And based on information and belief Mr. Stolworthy
was Director over Orange Crush at The Time.

Defendant #4 - in his official Capacity at all Times

E. Defendant WARDEN-Zachory Rocekman is Employed
as Chief Administrative officer / Warden of Day To Day
Operations → Big Muddy Correctional Center.
251 N. ILLINOIS - Hwy 37

INA, ILLINOIS, 62846. - At The Time The Claim/s/
Alleged in This Complaint arose was Defendant #4 Employed
by The State, local, or federal Government? ☒ Yes - Warden

Defendant #5 - in his official Capacities - At All Times.

F. Defendant Joseph Yurkovich is employed as
Chief of operations - FOR ILL. Dept of corrections
1301 Concordia Court - 62794.

At The Time The Claim/s alleged in This complaint arose,
Was Defendant #5 employed by The state, local or
Federal Government? ☒ Yes - Played Supervisory Role

II. PREVIOUS LAWSUITS

- A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? NO lawsuits ☐ Yes ☒ No only criminal like post-convictions And Direct Appeal from Denial.
- B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.
1. Parties to previous lawsuits: NO
Plaintiff(s):

Defendant(s): N/A
2. Court (if federal court, name of the district; if state court, name of the county): N/A
3. Docket number:
4. Name of Judge to whom case was assigned: N/A
5. Type of case (for example: Was it a habeas corpus or civil rights action?):
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
7. Approximate date of filing lawsuit: N/A
8. Approximate date of disposition: N/A

ONCE inmates Began To file grievances
The Grievance officer or Counselors simply
Withheld Responses up to 6 months while
Back Dating grievance Response
in order to make it seem I lost Deadline To ARB

III. GRIEVANCE PROCEDURE - BACK Dating grievance Response in order to make it seem I lost Deadline To ARB

- A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
But it's very murky
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No
- C. If your answer is YES,
1. What steps did you take? First I spoke with Counselor Mr. Tasky. IN person in accordance to Dept. Rule 504-800 Counselor Tasky whom I saw in RI informed to That my only recourse was to file A grievance So, I filed An Emergency Grievance
 2. What was the result? After I filed AN Emergency Grievance 504-840 I filed it To warden - Roeckeman, - He Denied it And Deemed it Not an Emergency.
- D. If your answer is NO, explain why not.

- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☒ Yes ☐ No
warden Roeckeman - I filed Emergency grievance To

- F. If your answer is YES,
1. What steps did you take? After warden Roeckeman Denied my grievance I Sent it To The Grievance officer And This is where it gets kidnapped, for 6 months including The Grievance Response.
 2. What was the result? There is An Elaborate Scheme - To prevent exhaustion of grievance. For This Reason, I Had To Complain To Warden Roeckeman where I my Grievance That I Sent To The Grievance officer. my Grievance That I Sent I Did Not Get A Response From my 504-840 Emergency grievance Until December 2013. The Grievance Response WAS BACK DATED.

- G. If your answer is NO, explain why not.
- H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not. I Can't Because I Sent The Grievance To The ARB in Springfield Along with The grievance Response Explaining To Them That Someone at Grievance office withheld The grievance officer Response in order To prevent The 30 Day Strict Requirement Deadline To ARB. This prison is Notorious for preventing Grievances exhaustion

John
Howard Did
Study in 2013
About Grievance
Complaints.
(Rev. 7/2010)

STATEMENT OF FACTS/AND CLAIMS IN WHICH
RELIEF CAN BE GRANTED IN CIVIL JURY TRIAL.
OF Defendants Violated PRELA Act & US. Const Amend 8.

CLAIM: 1) The Plaintiff contends That defendants Unknown Members of Tactical Team known as orange crush are employees of IHDOR, and are all members of orange crush Team violated The Prison Rape Elimination Act and in doing so Subjected Him To cruel And unusual punishment because Top prison officials Acted with deliberate indifference in Their dereliction of Duty by failure To ensure That Illegal Search And Seizure And Excessive use of force was unreasonable, and unjustifiable.

CLAIM: 2) Each of These Defendants are sued individually and in his or her official capacity in The performance of Their Duties, And in Their official Capacities, At all Times mentioned in This Complaint, Each Defendant Acted deliberate indifference And under Color of State Law and within The Scope of his/her Employment with The IHDOR, including The John doe That shook my cell DOWN And Stripped Search me Illegally.

During The week of (May 12th of 2014) Big Mucky C.C. was Put ON lockdown for One week. During The lockdown The orange crush Tactical Team conducted a strip Search And cell extraction of each Housing Unit including 1 House known AS R1) Living Unit A-2wing cell 52 My living Quarters at The facility.

CLAIM: 3) ON information and belief, orange Irish officer John Doe who stripped searched and Shook my cell Down asked me To STRIP as he entered my cell A-52 he ordered my cell mate Mike ? To face The wall IN The Back of The cell and called me forward He ordered me To Face Him squat after he first Ordered me To lift my ~~TESTICLES~~, after squatting he ordered me To Take my hands To open my mouth wide, lift my Tongue, Then Turn around Spread my Buttocks cheeks while bending over, lift my feet one at a Time, other inmates across The Hall was able To View This Search as well.

While i was in The Process of Removing The clothes i Heard The Voice of a female orange Irish officer Say Don't be Naked and Atraird Strip or go To Seg^{II} I was Trying To be compliance as possible i didn't feel comfortable of stripping in front of a female.

After The Strip Search The officer became Very IRRate Saying me and my cellie was moving To slow He ordered me To face The wall outside The cell. I Had moved To scratch my Nose due To itching Not with my Hands But using my Nose To Scratch The itch And Boom The officer Shoveled My Head Against The wall Causing a Huge Knot ON my left forehead. On information and belief These TacT Team officers wore Helmets And No Name Tags.

Plaintiff contends That

CLAIM #4) I was instructed at all times To keep My Head Down in an effort To hide The faces of The Orange County Sheriff's Office officers whom some present were female and serving no penological interest But To punish and Humiliate Me,

After The unjustifiable Excessive use of force And Illegal Strip Search I was not allowed To put ON my T-shirt, ON Underwear OR Socks ON Boxers, I was only Allowed To put on state Boots state pants And That's it Untied state Boots.

CLAIM #5) ON information And belief Orange County Sheriff's Officer John Doe who did the Strip Search And Shake down My cell, This John Doe Placed my Hands Behind My back in a painful position with my Thumbs pointing upward and my Palms pointing outwards.

The cuffs were extremely Tight on my wrists. After Several minutes The position of The way I was cuffed began putting Stress ON my Shoulders, keep in mind I have a Huge painful knot on my head, Plus The stress on my shoulders.

Continued from pg 4

CLAIM #6

(C) This Plaintiff contends That while exiting The R1 Housing Unit, That i Jeffrey millen was made To walk in between Two lines of orange crush officers: One line on my right And 1 line ON my left.

While Handcuffed i was posing NO Threat To The Safety And Security of The facility My head was forcefully pushed into my cell-mate Mike's Back who was in front of me. My genitals was So close To Touching or Rubbing His Hands which were Handcuffed behind Him → Mike. I was ordered by orange crush officers Saying NUTTS TO BUTTS in a hard Angry Voice Either Step it up OR go To Seg.

I was Trying Not To Have pressure from The Huge knot ON my Head aggravated So i Lifted Just a little And ^{Mr} Boom^{!!} Some officer Rushed My Head Violently into my Cellie's BACK.

This Movement was made more difficult by The Continuous Starting And Stopping of The Lines while face forwarded To face Down To The ground. I was ordered To Face The ground Any movement of lifting face upward would Cause me The inmate To be beatened And Sent To Seg. I Also Heard officers Say Punish The inmate for His Sins.

Trying

Keeping up with No Shoes Tied was Very difficult. This was Something i've Never Experienced.

IT MUST BE REMEMBERED THAT I AND OTHERS WERE ORDERED TO KEEP EYES FACED DOWN OR FACE A BEATING

Cont from Pg 4

Ground CLAIM #6) ON May 13th 2014 at approximately 8:00 Am

UPON Entering Housing Unit R1 Defendant's Orange Irish officers began banging Their batons ON The cell doors and shield while yelling Get The fuck up Today is Judgement Day Punish The inmate for his Sins. it was impossible To Reconize These officers unless you Reconize Their Voices UPON Exiting The Building The walk way where more punishment Continued which was Irish & unusual U.S. Const Amend 8. Tact Team Yelling Nutts' TO BUTT'S.

CLAIM #7) UPON Exiting R1 One Orange Irish officer pushed The inmate behind me face into my back yelling To The inmate Step The fuck up on go To Sec Beaten The fuck up. My Hands were Luffed behind me As The inmate This officer pushed i was forced into my Hands Touching of The inmate behind me's genitals i was Horrified And Angry Saying To myself This is Crazy.

CLAIM #8) UPON Entering The Whow Hall i was ordered To keep my Head Down and Sit Down at The Table keep My Fucking Mouth Shut. Lt. Procter i Reconized in The kitchen with No Mask i was able To sneak a peek As he Said if you Gotta Use Washroom Hold it, This won't Take Long. it Took 1 hr And i Had ~~Pager~~ To #2 it was Horrible.

CLAIM #9) As i began To Complain To Lt. procter about Using Washroom # 2 And pain of The knot on my Head This Lt. Said good grief what a bunch of Whinning dip Shits Shit The fuck up on Go To Seg Damn it i mean it. Then He Ended Saying You Shouldn't Have Come To prison .

CLAIM #10) Upon Exiting The Show Hall Once Again i Got The Same Treatment i Received leaving As i did Coming Except This Time A female pushed my Head Against Another inmates Back because my Body Wasn't Close Enough To The inmates in front of me.

CLAIM #11) Once i was able To go back To my Housing Unit and Cell, base on belief and information The John Doe Tact Team officer who Shook my Cell Down And forced my Head into The wall locked my Handcuffs So tight in Such A way That it Took at least 1 minute and 20 seconds To Remove Them That He Had To Have me Raise my Arms up against my Back This Caused The pain To become excruciating Along with my Head Hurting my Body Became A walking Zombie.

HE WAS NO REASONABLE PENOLOGICAL LEGITIMATE
INTEREST FOR DOING THESE DEHUMANING ACTS.

CLAIM #12) based up information And belief (May 13th 2014)
Defendant. Anthony McCalister was Commanden for
The Southern Region And Was here present at
Big Muddy c.c. and was Second in Charge of The Action
Taken by Orange Crush's Tact Team. in his official Capacity

CLAIM #13) Warden Zachory Roeckeman was The (FAO) Chief Admn.
officer at all Times in his official Capacity and Was present
ON (May 13th 2014) and he was in Charge of The Day To Day
operations at This Big Muddy facility in charge of
The Supervision and all Action Taken by Orange Crush.

CLAIM #14) based upon information and belief Vienna's Prison Assistant
Warden of operations Larue Love based upon belief and information
was here and Present at Big Muddy c.c. AS ON site oversee
Person in a Supervisory ~~Position~~ Position. ON MAY 12, 13, & 14
(2014.) AS Actions of Dehumanizing from orange crush Took Place.

Finally after Being uncuffed i was glad To be in my cell i Had
To sit quickly as i Began TO Experience Dizziness And pain
on my left forehead, & Shoulders And Risk where i was Cuffed.
Orange Crush and it's Supervisors Violated 42 U.S.C. § 15601-15609

~~PLRA~~ PLRA Act of 2003 And The U.S. const Amend 8.

April 7th 2016

Jeffrey Miller
Jeffrey Miller

N-90929

Big Muddy c.c.
251 N. ILL. Hwy 37
INA, ILL. 62846.

CERTIFICATE OF SERVICE

STATE OF ILLINOIS

SS

COUNTY OF JEFFERSON

AFFIDAVIT

I, JEFFREY MILLER, deposes and says that as to the

petition herein, he/she is the Defendant in the above entitled cause; that he/she has read the fore-going document, by his/her signed, and that the statements contained therein are true in substance and in fact. I certify That a copy of This 42 U.S.C. § 1983

Complaint Was mailed / Delivered TO CLERK OF The U.S. Dist Court
Of The Southern Dist - Illinois ON - April - 7th 2016)

/s/

Defendant, pro se

Signed before me this 7th day of April, 2016.

SCANNED AT BIG MUDDY CC and E-mailed
4/13/16 by JH 26 pages
date initials No.

Notary Public

VERIFICATION

I, Jeffrey Miller, the undersigned, certify and state that:

1. I am the (Petitioner/Respondent) in the above captioned legal matter.
2. I have read the forgoing application and have knowledge of its contents;
3. Under penalties as provided by law pursuant to sec.1-109 of the Code of Civil Procedure, I certify that the statements set forth in the foregoing motion and this affidavit are true and correct except as to matters therein states to be on information and belief, and as such matters I certify and the same to be true.

S: _____

IV. STATEMENT OF CLAIM

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments of citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

See memorandum of law See Ex A, B, C,
in Appendix

Copy's of Grievance will
Have to be obtained
from ARB.

I've tried i Sent only copy
To ARB of Grievance Response
And Grievance which Got
Kidnapped for 6 months
including Grievance office
Response.

See Ex D, D1, D2, D3
My freedom of information Act
Got unanswered And Denied

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

I am Requesting Punitive Damages for
 a unjust ~~in~~ treatment. The psychological
 Trauma. I Ask That This Court Allow
 Lawyer to Ask for \$300,000.00 on As the
 Judge See's fit. Any funds Be sent To me Rather
Than The State J. M. Jeffrey Miller

VI. JURY DEMAND (check one box below)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: April / 7 / 2016
 (date)

Big Muddy E.R.

251 N. Illinois - Hwy 37
 Street Address

INA, ILLINOIS, 62846
 City, State, Zip

/s/
 Signature of Plaintiff

Jeffrey Miller
 Printed Name

N-90929

Prisoner Register Number

 Signature of Attorney (if any)

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Jeffrey miller)
Plaintiff(s))
v.) Case Number: _____
JOHN R. BALDWIN - Director of)
Defendant(s) IDOC)

CERTIFICATE OF SERVICE

I hereby certify that on 4/7th/2016 electronically filed 42 U.S.C. § 1983

with the Clerk of Court using the

CM/ECF system which will send notification of such filing(s) to the following:

CLERK OF THE COURT
UNITED STATES DIST COURT
SOUTHERN DIST OF ILLINOIS
750 MISSOURI AVENUE
EAST ST LOUIS, MISSOURI 62201

ALISA Madigan - STATES
Attorney General OFFICES

and I hereby certify that on [date], I mailed by United States Postal Service, the

document(s) to the following non-registered participants:

/s/ Jeffrey Miller
Respectfully submitted,

Jeffrey miller

Name of Password Registrant

N-90929

Address Big Muddy F.C.

251 N. Ill. Hwy - 37

City, State, Zip IANA, Illinois 62840

Phone: () - - - - -

Fax: () - - - - -

E-mail: () - - - - -

Attorney bar number (if applicable)

IN THE UNITED STATES
DISTRICT COURT - SOUTHERN
DISTRICT OF ILLINOIS

JEFFREY MILLER

Plaintiff - Petitioner

V.s

JOHN R. BALDWIN - Director ILDOCDonald Stolworthy - Former Director

Defendants- Respondant.

Case # _____

SCANNED AT BIG MUDDY CC and E-mailed
4/13/16 by J.H. 22 pages
 date initials No.

Proof/Certificate of Service

To: CLERK-OF UNITED STATES
DISTRICT COURT-Southern DIST, ILL
750 MISSOURI AVENUE
East St. Louis, IL 62201.

To: _____

To: _____

To: _____

PLEASE TAKE NOTICE that on April 7th, 2016, I have placed the documents listed below in the institutional mail at Lawrence Correctional Center, properly addressed to the parties listed above for mailing in the United States Postal Service: inside is
42 U.S.C. § 1983 Lawsuite motion, forma pauperis with Print out of Trust fund
Balance And Appendix with Exhibits And Motion for Counsel with The
Understanding of PLRA Act Knowledge STATEMENTS OF CLAIMS pgs 1-7

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

Date: April 7th 2016

/s/

Name

Jeffrey Miller

IDOC#

N-90929Lawrence Correctional CenterBig Muddy C. C.IANA, Illinois 62846.Springfield, Illinois 62766